	Application No.	Applicant(s)
Notice of Allowability	09/671,055	GAJJALA ET AL.
	Examiner	Art Unit	
	James A. Reagan	3621	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address*--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the amendment filed on 17 October 2005*.

2. ☒ The allowed claim(s) is/are *1,5-9,11-15,23,27-31,33-37,45,49-53 and 55-59*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some*   c)☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the

           International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a)☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1)☐ hereto or 2)☐ to Paper No./Mail Date _____ .

    (b)☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

        Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

DETAILED ACTION

Status of Claims

1.   This action is in response to the amendment filed on 17 October 2005.

2.   Claims 1-3, 5-9, 11-15, 23-25, 27-31, 33-37, 45-47 and 49-53 and 55-59 are currently pending.

3.   Claims 1-3, 5-9, 11-15, 23-25, 27-31, 33-37, 45-47 and 49-53 and 55-59 have been examined.

4.   Claims 2, 3, 24, 25, 46, and 47 have been cancelled by Examiner's amendment below.

5.   Claims 1, 23, and 45 have been amended by Examiner's amendment below.

Allowable Subject Matter

6.   Claims 1, 5-9, 11-15, 23, 27-31, 33-37, 45, 49-53, and 55-59 are allowed. See Reasons for
Allowance under separate heading.

EXAMINER'S AMENDMENT

7.   An examiner's amendment to the record appears below. Should the changes and/or additions be
unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure
consideration of such an amendment, it MUST be submitted no later than the payment of the
issue fee.

8.   Authorization for this examiner's amendment was given in a telephone interview with Jerome G.
Schaefer on 01 December 2005.

9.   The application has been amended as follows:

- Cancel claims 2, 3, 24, 25, 46, and 47.

- Amend Claims 1, 23, and 46 as follows:

CLAIM 1. (CURRENTLY AMENDED) A method for a retailer to facilitate issuance of a digital license from a licensor to a customer for a corresponding piece of digital content, the method comprising:

receiving, by the retailer from the customer, payment for the license, the payment to be shared with the licensor in a pre-determined manner;

obtaining, by the retailer from the customer, customer-based information;

composing, by the retailer, an actual license request including the obtained customer-based information, and including retailer-based information identifying the retailer to the licensor and acknowledging to the licensor that the retailer owes a portion of the received payment to the licensor;

forwarding, by the retailer to the licensor, the actual license request, and issuing the digital license to the customer;

wherein the customer has a digital rights management (DRM) system to ensure that the content is rendered in accordance with the license

wherein obtaining the customer-based information comprises:

delivering, by the retailer to the customer, a dummy package having license acquisition information containing a site identifier for an interposing site controlled by the retailer, the dummy package absent any functional portion of the corresponding piece of digital content;

delivering, by the retailer to the customer, a controller that can control the DRM system of the customer, wherein such controller directs such DRM system to send a dummy license request to the site identifier for the interposing site controlled by the retailer according to the license acquisition information in the dummy package; and

receiving, by the retailer at the interposing site from the customer, the dummy license request including customer-based information, and

wherein composing the actual license request comprises modifying, by the retailer, the dummy license request to add the retailer-based information;

wherein the customer has a digital rights management (DRM) system to ensure that the content is rendered in accordance with the license, the method comprising obtaining the customer-based information by a request directed to the DRM system of the customer; and

obtaining the customer- based information by delivering a controller to the customer that directs the DRM system of the customer to send the customer-based information to the retailer.

CLAIM 23. (CURRENTLY AMENDED) A computer having computer-executable instructions thereon for allowing a retailer to facilitate issuance of a digital license from a licensor to a customer for a corresponding piece of digital content, the instructions comprising modules including:

a first module receiving, by the retailer from the customer, payment for the license, the payment to be shared with the licensor in a pre-determined manner;

a second module obtaining, by the retailer from the customer, customer-based information;

a third module composing, by the retailer, an actual license request including the obtained customer-based information, and including retailer-based information identifying the retailer to the licensor and acknowledging to the licensor that the retailer owes a portion of the received payment to the licensor; and

a fourth module forwarding, by the retailer to the licensor, the actual license request,

wherein the customer has a digital rights management (DRM) system to ensure that the content is rendered in accordance with the license, the second module obtaining the customer-based information comprising:

a first sub-module delivering, by the retailer to the customer, a dummy package having license acquisition information containing a site identifier for an interposing site controlled by the retailer, the dummy package absent any functional portion of the corresponding piece of digital content;

a second sub-module delivering, by the retailer to the customer, a controller that can control the DRM system of the customer, wherein such controller directs such DRM system to send a dummy license request to the site identifier for the interposing site controlled by the retailer according to the license acquisition information in the dummy package; and

a third sub-module receiving, by the retailer at the interposing site from the customer, the dummy license request including customer-based information, and

the third module composing the actual license request by modifying, by the retailer, the dummy license request to add the retailer-based information;

wherein the customer has a digital rights management (DRM) system to ensure that the content is rendered in accordance with the license, the second module obtaining the customer-based information by a request directed to the DRM system of the customer; and

wherein the second module obtains the customer-based information by delivering a controller to the customer that directs the DRM system of the customer to send the customer-based information to the retailer.

CLAIM 45. (Previously Presented) A computer-readable medium having computer-executable instructions thereon for allowing a retailer to facilitate issuance of a digital license from a licensor to a customer for a corresponding piece of digital content, the instructions comprising modules including:

a first module for receiving, by the retailer from the customer, payment for the license, the payment to be shared with the licensor in a pre-determined manner;

a second module for obtaining by the retailer from the customer, customer-based information;

a third module for composing, by the retailer, an actual license request including the

obtained customer-based information, and including retailer-based information identifying

the retailer to the licensor and acknowledging to the licensor that the retailer owes a portion of the

received payment to the licensor; and

a fourth module for forwarding, by the retailer to the licensor, the actual license request

by which the licensor issues the digital license to the customer, wherein the customer has a

digital rights management (DRM) system to ensure that the content is rendered in accordance

with the license, the second module obtaining the customer-based information comprising:

a first sub-module for delivering, by the retailer to the customer, a dummy package

having license acquisition information containing a site identifier for an interposing site controlled

by the retailer, the dummy package absent any functional portion of the corresponding piece of

digital content;

a second sub-module for delivering, by the retailer to the customer, a controller that can

control the DRM system of the customer, wherein such controller directs such DRM system to

send a dummy license request to the site identifier for the interposing site controlled by the

retailer according to the license acquisition information in the dummy

package; and

a third sub-module for receiving, by the retailer at the interposing site from the customer,

the dummy license request including customer-based information, and

the third module composing the actual license request by modifying, by the retailer,

the dummy license request to add the retailer-based information;

wherein the customer has a digital rights management (DRM) system to ensure that the

content is rendered in accordance with the license, the second module obtaining the customer-

based information by a request directed to the DRM system of the customer; and

wherein the second module obtains the customer-based information by delivering a

controller to the customer that directs the DRM system of the customer to send the customer-

based information to the retailer.

Reasons For Allowance

10.   The following is an Examiner's statement of reasons for allowance:

None of the art of record, taken individually or combination, disclose at least the

method step or system component of: *obtaining the customer- based information by delivering a*

controller to the customer that directs the DRM system of the customer to send the customer-

based information to the retailer.   More specifically, the prior art of record fails to disclose a

method or system which allows a retailer to facilitate which delivers, by the retailer to the

customer, a controller that can control the DRM system of the customer, wherein such controller

directs such DRM system to send a dummy license request to the site identifier for the

interposing site controlled by the retailer according to the license acquisition information in the

dummy package, and receiving, by the retailer at the interposing site from the customer, the

dummy license request including customer-based information, and wherein composing the actual

license request comprises modifying, by the retailer, the dummy license request to add the

retailer-based information, wherein the customer has a digital rights management (DRM) system

to ensure that the content is rendered in accordance with the license, the method comprising

obtaining the customer-based information by a request directed to the DRM system of the

customer; and obtaining the customer-based information by delivering a controller to the

customer that directs the DRM system of the customer to send the customer-based information to

the retailer.

Claims 1, 5-9, 11-15, 23, 27-31, 33-37, 45, 49-53, and 55-59 are distinguished over the

closest prior art of Stefik et al. (US 5,634,012 A), which teaches "a fee accounting mechanism

for reporting fees associated with the distribution and use of digital works" (Stefik: Abstract; Figs

1-2, associated text; C4, L12-19, as well as column 45, "Distribution Scenarios"). As recited in

independent claim 1, it is clear that the Applicant's invention is distinguished over the Stefik

invention in at least the method step of *obtaining the customer-based information by delivering a*

controller to the customer that directs the DRM system of the customer to send the customer-

based information to the retailer.

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- FUJITSU (JP 2002183352 A, June 28, 2002) discloses software licensing method that involves providing user restriction license data to user, when user access web page in accordance with URL information provided with software.

- Amdur, D., "Metering Online Copyright," January 16, 1996, discloses fee structure for online digital works.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710.** The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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or faxed to:

571-273-8300   [Official communications, After Final communications labeled "Box AF"]

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Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

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JAMES A. REAGAN

Primary Examiner

Art Unit 3621

22 December 2005